

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED
NOV 15 2019
David J. Bradley, Clerk of Court

JOHN SAIN, et al.,

Plaintiffs,

v.

BRYAN COLLIER, et al.,

Defendants.

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CIVIL ACTION NO.
4:18-cv-04412

**PLAINTIFFS' NOTICE TO THE COURT AND PARTIES OF LACK OF ACCESS TO LEGAL
MATERIALS AND RESEARCH OPTIONS**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiffs, Pro Se, incarcerated at the ~~Pack~~ Unit are required to depend on the legal materials and resources of the ~~Pack~~ Law Library for all their research, generation, and editing of legal documents and arguments related to the above styled and numbered civil action. Plaintiffs also utilize an outside copy service to publish, re-publish, and forward/file with the Court and Parties. Plaintiffs also work together to develop pleadings and arguments for cooperative development and final editing.

Plaintiffs and the Luther Unit have been placed on their bi-annual unit wide lockdown by security. During lockdown, ~~all~~ Law Library sessions are cancelled, personal movement and communication is very restricted, and all movement outside of an inmate's individual cubicle is forbidden. Co-generation of any pleading will not occur. Phone access to the copy service for updates, edits and publishing do not exist. Back and forth mail to the civilian world is the only

means of communication. Television usage is forbidden. As it cannot be foreseen the situations security may investigate, these lockdowns are open-ended but normally end within two weeks (assuming no major occurrences).

As such, Plaintiffs will be unable to timely respond, develop pleadings, or co-generate/file most documents needed by the Court in this case.

Plaintiffs have produced Attachment A, an I-60 denoting the conditions and indeterminate duration of the lockdown. The I-60 is officially signed, stamped and dated by the current ~~lockdown~~ access to the Courts supervisor attesting to this hopefully short-term set back. IF RETURNED

Plaintiffs pray for the Court's patience and indulgence until the access to the ~~lockdown~~ **Pack** Library and its resources are again available for the use of the Plaintiffs.

Respectfully Submitted,

Dated: *November, 12,* 2019

CERTIFICATE OF CONFERENCE

Whereby their signatures below, Plaintiffs do hereby certify/declare that a conference is not possible because Plaintiffs are incarcerated in Texas Department of Criminal Justice, Institutional Division, and are proceeding Pro Se in this cause. Plaintiffs will not speculate on whether the Defendants oppose this motion.

CERTIFICATE OF SERVICE

Whereby their signatures below, Plaintiffs do hereby certify/declare that true and correct copies of the foregoing document was forwarded via U.S. First Class Mail, postage pre-paid, to the following parties:

- a. Bryan Collier
TDCJ Executive Director
Texas Department of Criminal Justice
- b. James McKee
Warden
O.L Luther Unit (P2)
- c. Texas Department of Criminal Justice
c/o Bryan Collier
TDCJ Executive Director

Service was perfected to the above Defendants through their Attorneys of Record for Service:

Todd Disher

Attorney In Charge
Office of Attorney General of Texas
209 W 14th, 8th Floor
Austin, TX 78701

Leah Jean O'Leary

Office of the Attorney General
Law Enforcement Defense Division
P.O. Box 12548 Capital Station
Austin, TX 78711-2548

CERTIFICATE OF MAILING

Whereby their signatures below, Plaintiffs do hereby certify/declare that the foregoing document was delivered to the United States Post Office for processing (U.S. First Class postage, pre-paid).

Pursuant to Fed. R. App. P. Rule 25 (a)(2)(A)(iii), "Mailbox Rule," Pro se documents filed at the time they are placed in the institutional mailing system for processing.

INMATE DECLARATION

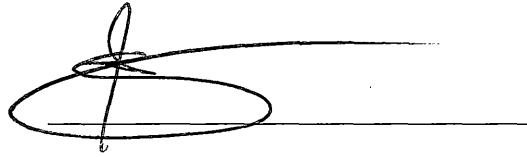
We, the Plaintiffs listed below, being over 18 years of age, of sound mind, capable of making this declaration due to the facts that we: suffer from and/or experience(d) one or more of the conditions described; attended consultations with qualified medical and other professionals; having been trained by medical personnel to recognize and treat complications due to illness/heat/cold; having studied materials listed under Fed. R. Civ. P. Rule 902; through our personal observations; and due to belief and empirical knowledge that the facts stated above; pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury that the foregoing is true and correct from personal knowledge.

Executed on November 12, 2019

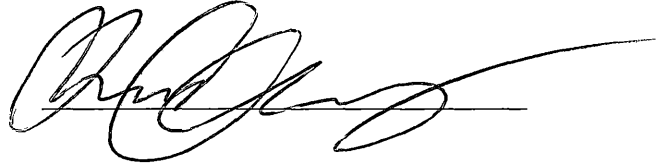
JOHN SAIN, Pro Se
TDCJ ID# 01373168
O.L. Luther Unit (P2)
1800 Luther Dr.
Navasota, TX 77868-4714

A handwritten signature in cursive script, reading "John Sain", written over a horizontal line.

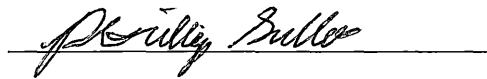
SALVADOR CAPUCHINO, Pro Se
TDCJ ID# 01675667
O.L. Luther Unit (P2)
1800 Luther Dr.
Navasota, TX 77868-4714

A handwritten signature in cursive script, reading "Salvador Capuchino", written over a horizontal line.

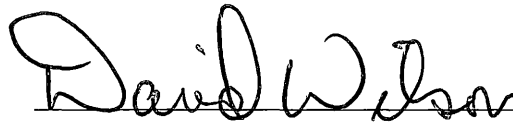
DAVID CUMMINGS, Pro Se
TDCJ ID# 02153663
O.L. Luther Unit (P2)
1800 Luther Dr.
Navasota, TX 77868-4714

A handwritten signature in cursive script, reading "David Cummings", written over a horizontal line.

PHILLIP GULLETT, Pro Se
TDCJ ID# 01672020
O.L. Luther Unit (P2)
1800 Luther Dr.
Navasota, TX 77868-4714

A handwritten signature in cursive script, reading "Phillip Gullett", written over a horizontal line.

DAVID WILSON, Pro Se
TDCJ ID# 01648044
O.L. Luther Unit (P2)
1800 Luther Dr.
Navasota, TX 77868-4714

A handwritten signature in cursive script, reading "David Wilson", written over a horizontal line.

Attachment

A

Lockdown I-60
Notification

Pages

1

JOHN SAIN, Pro Se
TDCJ ID# 01373168

Pack Unit

2400 Wallace Pack Rd.

Navasota, TX 77868

NOVEMBER 12, 2019

Clerk of Courts
515 Rusk Street
Houston, Tx 77002

or

Clerk of Courts
P.O. Box 61010
Houston, Tx 77208

Re: Civil Action No. 4:18-cv-04412

Style: Plaintiffs' Motion and Notice

Dear Clerk,

Please find included and file the below:

**PLAINTIFFS' NOTICE TO THE COURT AND PARTIES OF LACK OF ACCESS TO
LEGAL MATERIALS AND RESEARCH OPTIONS**

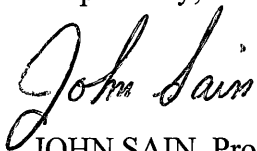
Please bring these filings to the attention of the Court for a hearing and rulings.

Thank you for your assistance filing and initiating this Motion.

For questions and immediate assistance filing, please phone Tim Sain @ 817-307-9087 or @
T.Sain@yahoo.com

I can be contacted at the address listed above.

Respectfully,



JOHN SAIN, Pro Se

JOHN SAH 01373168 PACK UNIT
~~1800 KENNEDY DR~~ 2400 WALKERS PACK DR.
NAVASOTA, TX 77868-4224

United States Courts
Southern District of Texas
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David J. Bradley, Clerk of Court

CLERK OF COURTS
515 RUSK ST., Rm 11535
HOUSTON, TX 77002

